

REMARKS

In the Office Action¹, the Examiner rejected claims 24, 25, 28, 31-33, 37, 39, 40, 43, and 47-52 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,400,392 to Yamaguchi et al. ("Yamaguchi"), in view of U.S. Patent 5,524,198 to Matsumoto et al. ("Matsumoto"); rejected claims 26, 27, 30, 34-36, and 46 as being unpatentable over Yamaguchi, in view of U.S. Patent 6,111,517 to Atick et al. ("Atick"); and rejected claims 23 and 41 as being unpatentable over Yamaguchi in view of Matsumoto, further in view of U.S. Patent 6,799,208 to Sankaranarayan et al. ("Sankaranarayan").

By this amendment, Applicant amends claims 23-27, 30-35, 37, 39, 40, 42, 46, 47, and 49-52, and cancels claims 44, 45, and 48 without prejudice or disclaimer. Claims 23-27, 30-37, 39-41, 43, 46, 47, and 49-52 remain pending.

Applicant respectfully traverses the rejection of claims 31, 32, 39, 43, and 48-52 under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi in view of Matsumoto. Claim 48 has been canceled, rendering its rejection moot.

Independent claim 43, for example, recites a method comprising:

adjusting image parameters over a period of time to produce a degraded image in response to a determination that [a] user is inactive, the degradation of the image increasing exponentially over the period of time to achieve a fully degraded image; and

periodically sending the degraded image, during the period of time, to the user's system via the network.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

(emphases added). Yamaguchi and Matsumoto, taken alone or in combination, fail to teach or suggest the claimed “adjusting image parameters over a period of time to produce a degraded image . . . the degradation of the image increasing exponentially over the period of time to achieve a fully degraded image,” as recited in amended independent claim 43.

Yamaguchi discloses a “video information adjusting apparatus that automatically adjusts the resolution and brightness of video information, for example, according to a user’s condition” Yamaguchi, col. 2, ll. 4-5. “[A] window information managing part 1416 examines information about the usage of the windows user its management. When the user has performed a prescribed operation on a full-motion window, the window information managing part 1416 determines that the user’s attention is directed to that full motion window . . . for full-motion windows where no user operations have been performed for a predetermined time, the resolution or brightness of such windows is reduced to prevent wastage of computer resources.” Yamaguchi, col. 16, ll. 21-32.

While Yamaguchi discloses reducing the resolution or brightness of windows, there is no discussion in Yamaguchi that such a reduction is performed over a period of time, or that the reduction occurs in an exponential manner over that period of time. Accordingly, Yamaguchi does not determine whether a portion of the image is visually obstructed, and thus does not teach or suggest “adjusting image parameters over a period of time to produce a degraded image in response to a determination that [a] user is inactive, the degradation of the image increasing exponentially over the period of time to achieve a fully degraded image; and periodically sending the degraded image, during

the period of time, to the user's system via the network," as recited in amended claim 43. (emphases added).

Matsumoto does not cure the deficiencies of Yamaguchi. Matsumoto discloses a character processing method "in which character patterns are outputted in a plurality of windows using any of the processing schemes . . . a processing scheme suited to a particular window is selected . . . and a character or graphic processed by the processing scheme selected for the window is outputted for each and every window." Matsumoto, col. 1, line 38-45. "In FIG. 10A, a window 1001 is an active window (a window in a state in which it can be edited) . . . [a] window 1002 is an inactive window (a window in a state in which it cannot be edited) . . . [t]he required specifications of window 1002 are such that since the window is in a state in which it cannot be edited, no problems arise even if there is some reduction in speed." Matsumoto, col. 6, ll. 35-49.

Matsumoto, only discloses that a reduction in speed of character or graphics processing in a window will not cause problems if a window is in a non-editable state. There is no discussion that any reduction is performed over a period of time, or that the reduction occurs in an exponential manner over that period of time., and as such, Matsumoto does not teach or suggest "adjusting image parameters over a period of time to produce a degraded image in response to a determination that [a] user is inactive, the degradation of the image increasing exponentially over the period of time to achieve a fully degraded image; and periodically sending the degraded image, during the period of time, to the user's system via the network," as recited in amended claim 43. (emphases added).

As such, Yamaguchi and Matsumoto, even if combined, do not teach or suggest “adjusting image parameters over a period of time to produce a degraded image in response to a determination that [a] user is inactive, the degradation of the image increasing exponentially over the period of time to achieve a fully degraded image; and periodically sending the degraded image, during the period of time, to the user’s system via the network,” as recited in amended claim 43. (emphases added).

Yamaguchi and Matsumoto thus fail to establish a *prima facie* case of obviousness with respect to independent claim 43, at least because the references fail to teach each and every element of the claim. Claim 43 is therefore allowable for at least the reasons presented above.

Independent claims 49-52, while of different scope than claim 43, are allowable for at least the same reasons as claim 43. Dependent claims 24, 25, 28, 31-33, 37, 39, 40, and 47 are also allowable at least due to their dependence on allowable independent claim 43.

Applicant respectfully traverses the rejection of claims 26, 27, 30, 34-36, and 46 under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi, in view of Matsumoto and Atick.

Claims 26, 27, 30, 34-36, and 46 depend on independent claim 43. As noted above, Yamaguchi and Matsumoto do not teach or suggest each and every element of independent claim 43. Atick fails to cure the deficiencies of Yamaguchi and Matsumoto. Atick does not teach or suggest “adjusting image parameters over a period of time to produce a degraded image in response to a determination that [a] user is inactive, the degradation of the image increasing exponentially over the period of time to achieve a

fully degraded image; and periodically sending the degraded image, during the period of time, to the user's system via the network," as recited in amended claim 43.

(emphases added). Accordingly, Yamaguchi, Matsumoto, and Atick, taken along or in combination, fail to teach each and every element of claims 26, 27, 30, 34-36, and 46. For at least this reason, claims 26, 27, 30, 34-36, and 46 distinguish over Yamaguchi, Schreiner, and Atick.

Applicant respectfully traverses the rejection of claims 23 and 41 under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi, in view of Matsumoto and Sankaranarayan.

Claims 23 and 41 depend on independent claim 43. As noted above, Yamaguchi and Matsumoto do not teach or suggest each and every element of independent claim 43. Sankaranarayan fails to cure the deficiencies of Yamaguchi and Matsumoto. Sankaranarayan does not teach or suggest "adjusting image parameters over a period of time to produce a degraded image in response to a determination that [a] user is inactive, the degradation of the image increasing exponentially over the period of time to achieve a fully degraded image; and periodically sending the degraded image, during the period of time, to the user's system via the network," as recited in amended claim 43. (emphases added). Accordingly, Yamaguchi, Matsumoto, and Sankaranarayan, taken along or in combination, fail to teach each and every element of claims 23 and 41. For at least this reason, claims 23 and 41 distinguish over Yamaguchi, Schreiner, and Sankaranarayan.


In view of the foregoing remarks, Applicant respectfully requests the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 28, 2009

By: 
Trenton J. Roche
Reg. No. 61,164